

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13239 of Michael R. Klein and Joan Fabry, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the open court width requirements (Sub-section 3306.1 and Paragraph 7107.22) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) for proposed rear addition to a non-conforming structure used as a flat in an R-5-B District at the premises 2011 R Street, N.W., (Square 92, Lot 801).

HEARING DATE: May 14, 1980
DECISION DATE: June 4, 1980

DISPOSITION: Application Granted by a vote of 4-0
(William F. McIntosh, Connie Fortune, John G. Parsons and Leonard L. McCants to grant, Charles R. Norris not voting not having heard the case).

FINAL DATE OF ORDER: August 5, 1980

FINDINGS OF FACT:

1. By order dated August 5, 1980, the Board approved the application, including plans marked as sheets 1-7, 8a and 8b of exhibit No. 9 of the record.

2. By letter dated September 24, 1980, the applicants requested the Board to approve modifications to those plans. Those modifications are essentially refinements in design in consideration of proposed development on an abutting property zoned C-3-C which impacts adversely on the safety and aesthetic considerations of the previously approved plans.

3. The applicants propose to eliminate a skylight and windows from the building as originally proposed. The applicants stated that the planned and approved construction on the abutting property render such amenities unsafe and unattractive. The Board agrees.

4. The applicants propose to revise the facade to the additional rear room with an indented bay, altering the approved facade. This altered facade would reduce the interior square footage from that which was previously requested by approximately 17 square feet. However, the applicants propose to extend the room further to the rear by one or two feet, to make up for the square footage lost by the redesigned facade.

5. These modifications were occasioned by the efforts of the applicants to fulfill their original intention, to buffer their residential property from abutting commercial buildings and alleyways by constructing an enclosed garden and garden room. No change is sought in the materials or general design of the plan.

6. The applicants request approval of the following changes in the plans previously submitted: (1) elimination of kitchen skylight and north facing windows, (2) alteration in rear facade of the garden room and (3) extension of the garden room rear wall by one or two feet. The applicants requested approval of the plans marked as Exhibit No. 21 of the record.

CONCLUSIONS OF LAW AND OPINION:


Upon consideration of the applicant's request, the Board finds that approval of the revised plans does not change the relief granted by the Board. There are no additional variances required and all of the material facts which the Board relied upon in granting the application are still relevant. It is therefore ORDERED that the applicants' request for modification of plans is hereby GRANTED, that the extension of the rear wall of the garden room be approved for a one foot extension only, that the plans marked as Exhibit No. 23 of the record are approved, and that such approved plans shall be substituted for those originally submitted to and approved by the Board. In all other respects, the Order of the Board dated August 5, 1980, shall remain in full force and effect.

DECISION DATE: October 1, 1980

VOTE: 3-0 (William F. McIntosh, Connie Fortune and Leonard L. McCants to approve the modification, Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 31 OCT 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application 13239 of Michael R. Klein and Joan Fabry, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the open court width requirements (Sub-section 3306.1 and Paragraph 7107.22) and the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) for proposed rear addition to a non-conforming structure used as a flat in an R-5-B District at the premises 2011 R Street, N. W., (Square 92, Lot 801).

HEARING DATE: May 14, 1980
DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of R Street between Connecticut Avenue and 21st Street. It is known as 2011 R Street, N. W. and is in an R-5-B District.
2. The subject site is 2,678 sq. ft. in area and is improved with a two story, attic and basement row structure. To the east of the site is a four foot wide public alley and to the rear is a twelve foot public alley.
3. The applicants propose to construct a rear addition that will provide a year-round garden room and an expanded kitchen. The existing garage will also be restored. It is anticipated that the addition will act as a buffer from the noise, fumes and debris of the alley to the rear of the subject property. When the renovation is complete the applicants will occupy the entire house as their residence, with the exception of one basement rental unit.
4. The subject structure is the first residential structure west of Connecticut Avenue. To the east of the subject structure is a five story commercial structure in a C-3-B District. To the west is a four story structure occupied as doctors' offices, which doctors do not reside therein. The subject block has mixed uses. Some are residential, others include an art gallery and doctors' offices. The rear of the subject property abuts a public alley used by a restaurant and several office buildings on Connecticut Avenue. Most of the structures on the north and south of the subject R Street occupy all or nearly all of their sites.

5. The rear facade of the subject structure is a variety of additions with varied materials, including aluminum siding. The proposed addition will be constructed of compatible materials to add aesthetically as well as functionally to the historic residential character of both the building and the neighborhood.

6. The lot is irregularly shaped. It is approximately 113.65 feet in depth, 12.83 wide in the rear and 38.22 wide facing R Street. The four foot public alley to the east runs a length of 58.6 ft. and then ceases. The western boundary line runs straight from the street to the rear of the property. The eastern boundary line is a series of gradations. The rear of the existing building runs west to east the distance of 14.75 feet to a four foot open court and then proceeds a distance of 15.83 feet to the adjoining property. The configuration results in an irregular "L" shaped site. The proposed addition comprising the garden room and the extension of the kitchen will measure 575.44 sq. ft.

7. The existing building occupies 1, 125.03 square feet. The maximum permitted lot occupancy in an R-5-B District is sixty per cent, or a building area of 1606.80 square feet for this lot. The applicant thus requires a lot occupancy variance of 270.07 square feet or 16.8 percent.

8. There is a four foot space between the rear of the existing building and one of the lot lines of the lot. The applicants propose to extend the kitchen to the lot line at the first floor level. The area above the first floor will remain open. This results in the continuation of the four foot wide court at the second and third story levels. Since an open court is normally required to be a minimum of ten feet wide, a variance of six feet or sixty per cent is required.

9. The applicant will provide a rear yard which averages 46.93 feet in depth. There will be no adverse effect in light or air for adjoining properties.

10. There was no opposition to the application at the public hearing or of record.

11. ANC-2B made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty upon the owner of the property that is inherent in the property itself. The Board concludes that the practical difficulty arises from the irregular shape of the lot and the location of the existing building on the lot. The structure is a row structure. The applicant can expand only towards the rear of his building which itself has an irregular shape. With the addition the applicant will still provide a rear yard of 46.93 feet. There is still a four foot public alley to the east of the site. There will be no adverse impact on light and air to surrounding buildings because of the proposed addition. The Board further includes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Connie Fortune, John Parsons, and Leonard L. McCants to grant, Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher

Steven E. Sher
Executive Director

FINAL DATE OF ORDER: 8/5/80

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."